

**U.S. DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JOSUE ROMERO, on behalf of himself and  
others similarly situated,

Plaintiffs,

v.

88 ACRES FOODS, INC.,

Defendant.

**Case No. 1:20-cv-09215 (AJN)**

DECLARATION OF ROBERT DALTON

Hon. Allison J. Nathan

I, Robert Dalton, declare under 28 U.S.C. 1746:

1. I am the President of 88 Acres Foods, Inc. (“88 Acres”), and along with Nicole Ledoux, the Chief Executive Officer, are the founders of 88 Acres which launched in 2015.

2. 88 Acres is a food company based on the nutritional benefits of seeds. 88 Acres sells a line of nutritious seed bars, “Spiced Cranberry Orange” and “Triple Berry Blend”, a line of seed butters, such as “Dark Chocolate Sunflower”. 88 Acres operates a production facility in Dorchester, Massachusetts.

3. 88 Acres is a corporation organized in the State of Delaware and has its corporate headquarters in the State of Massachusetts.

1           4.       88 Acres does not have any “brick and mortar” stores. 88 Acres sells its  
2 products only through food product distribution channels.

3           4.       88 Acres does not have any stores in New York state, nor does it employ any  
4 persons in New York. 88 Acres has a production facility located in Dorchester, Massachusetts.

5           5.       Mr. Romero, or his lawyer, did not call to ask us to complain about problems  
6 with our website. We are taking steps to resolve problems brought to our attention.

7           6.       We are a startup in the food products industry that is extremely competitive.  
8 The year 2020 was an extremely challenging year with the pandemic. Money spent on lawyers  
9 is money that can be spent on reviewing and updating our website, paying our limited  
10 employees, and marketing our products. If Mr. Romero had sent us an e-mail or called, we  
11 would have worked to resolve his concerns without him having to file a Complaint.  
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13  
14           I declare under penalty of perjury under the laws of the United States of America that  
15 the foregoing is true and correct. Executed on this 24<sup>th</sup> day of January, 2021.

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20           Robert Dalton, Declarant  
21           Canton, Massachusetts  
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**CERTIFICATE OF SERVICE**

This is to certify that on January 25, 2021, a copy of the foregoing was filed and served  
via NYSD-ECF to the following:

Joseph H. Mizrahi, Esq.  
COHEN & MIZRAHI LLP  
300 Cadman Plaza West  
12<sup>th</sup> Floor  
Brooklyn, NY 11201  
Joseph@cml.legal  
Attorney for Plaintiff

By: /s/ Nicholas Ranallo  
Nicholas Ranallo, NYBN.4620985